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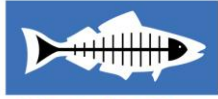
Ms. Tracy Egoscue, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

**Re: Comments on Tentative Order for Issuance of Waste Discharge Requirements
Prohibiting Discharge, Malibu La Paz, 3700 La Paz Lane, Malibu, California (File No. 08-101)**

Dear Ms. Egoscue:

On behalf of Heal the Bay, we submit the following comments to the Los Angeles Regional Water Quality Control Board ("Regional Board" or "Board") on the tentative Order, specifying waste discharge from the proposed development by Malibu La Paz Ranch LLC, located on 15 acres at 3700 La Paz Lane in the City of Malibu ("Tentative Order" or "Order"). Heal the Bay is an environmental organization with over 13,000 members dedicated to improving water quality in Santa Monica Bay and Southern California coastal waters for people and marine life. In general, we are supportive of this Order and believe it is necessary and consistent with the Resolution No. R4-2009-007 to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area ("Prohibition") passed by the Regional Board November 5, 2009. However, the language of the Order should not give the discharger the false impression that a new Report of Waste Discharge might be acceptable and thereby allow a waiver from the Prohibition requirements.

Resolution No. R4-2009-007 is clear in its intent – "...the Regional Board hereby adopts and amends the Basin Plan to include a prohibition on discharges from on-site wastewater disposal systems in the Civic Center area." The exceptions to this prohibition are narrow and do not apply to the applicant. Thus the prohibition of discharges of waste associated with the La Paz project is appropriate. However, several provisions in the Order imply that modifications made to the project and a subsequent submittal of the project application will be considered by the Regional Board. For instance the Order describes the inadequacies of the La Paz project as though they are fixable, "(i) the proposal did not appear to be a 'zero discharge' project (given an anticipated rise in water table), (ii) the engineering report needed further design development; and (iii) a proposed provision for emergency discharge would not be protective of water quality." (Finding 4.f. on Page 2) Also, the Order states "*This Order is adopted without prejudice to La Paz filing another Report of Waste Discharge for its project for consideration by the Regional Board, subject to the requirements and prohibitions of the Basin Plan and of all other statutes, regulations, ordinances and laws.*" (Page 6). This statement does not go far enough for the protection of water quality. Regional Board should go further and not even consider future applications submitted for this project until the Civic Center has a centralized water recycling facility in place. The Order should contain a provision to this effect. As mentioned in the Order "*The applicant's proposed discharge is within the boundaries of the public prohibition, and is subject to the prohibition on new discharges of waste.*" (Finding 10 on Page 4). As any subsequent submittal of a WDR application on this project would constitute a



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“new discharge of waste.” The Regional Board should clarify that any future application to discharge from this project will also be rejected for this reason.

We support the Board’s efforts to prevent discharge and hence degradation of water quality through the issuance of this Order for the project as proposed. However, we believe the Regional Board should go further to protect water quality by preventing any discharge from future applications on this project. Thank you for your consideration of these comments. If you have any questions, please contact us at (310) 451-1500 x 189.

Sincerely,

Mark Gold, D. Env.
President

Kirsten James, MESM
Water Quality Director

W. Susie Santilena, MS, EIT
Water Quality Scientist